

Title 210 -- NEBRASKA DEPARTMENT OF INSURANCE

Chapter 67 -- PRELICENSING EDUCATION REQUIREMENTS

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001. Authority. This rule is issued pursuant to the authority granted by Neb.Rev.Stat. §44-101.01, §44-4005 and §44-4043.

002. Purpose. This rule is issued for the purpose of implementing and administering provisions of the Insurance Producers Licensing Act establishing requirements for prelicensing education of prospective insurance agents, approval of courses and

instructors.

003. Definitions. The following definitions shall govern the construction of the terms in this rule.

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003.01 Credit hours shall be the measure of the hours of prelicensing education the director assigns to an approved prelicensing education activity.

003.02 Licensee shall mean a person licensed by the Director of Insurance as a resident agent.

003.03 Department shall mean the Department of Insurance.

003.04 Director shall mean the Director of Insurance.

003.05 Approved courses shall mean classes, or other forms of instruction approved by the director as meeting the requirements of the Insurance Producers Licensing Act.

003.06 Course sponsor shall mean any person, school, insurer, industry association, or other organization desiring to file or having filed a course with the department.

003.07 Certificate of completion shall mean a certification from the course sponsor to the prospective licensee upon a form approved by the director that the prospective licensee has completed the course and has passed the required examination with a grade of not less than seventy percent.

004. Applicability. Prelicensing education shall only apply to resident persons seeking a license to engage in the sale of the following classifications of insurance coverages:

- (1) Property and Casualty Insurance;
- (2) Life Insurance and Annuities;
- (3) Sickness Accident and Health Insurance;
- (4) Title Insurance
- (5) Crop Insurance; and

(6) Assessment Association.

005. Exceptions. Prospective licensees holding such limited or restricted licenses as the director may exempt from the prelicensing education requirements.

006. Classification of courses.

006.01 Approved courses will be assigned at least one of the classifications as follows:

- (1) Life and Annuities
- (2) Sickness, Accident and Health;
- (3) Property/Casualty;
- (4) Crop;
- (5) Title; and
- (6) General.

006.02 A course may be assigned more than one classification.

007. Procedure and standards for approval.

007.01 A course sponsor requesting approval for a prelicensing education course shall file with the director an outline of the subject matter to be covered, the method of presentation, the number of credits for each course requested and other information which the director may require to support the request for approval. Such filing shall be on a form approved by the director and shall be accompanied by the appropriate fee.

007.02 Upon request of prelicensing education course material, the director shall approve or deny certification as well as determine the number of credit hours for each course. If course approval is denied, the director shall furnish a written explanation to the course sponsor.

007.03 A course sponsor shall amend an approved prelicensing education course by submitting new materials to the director and paying the appropriate fee.

008. List of approved courses. Upon request, the director shall provide to the public a list of approved courses currently available. The list shall include information on the number of credit hours assigned as recognition for satisfactory completion of the approved course, and its classification such as life, property and casualty, or general.

009. Approved courses - loss of certification.

009.01 The certification of an approved course may be suspended by the director if he or she determines that:

009.01A The course's teaching method or content is changed without notice to the director and the director's recertification;

009.01B A certificate of completion is issued to any individual who has not completed an approved course in accordance with the standards furnished for certification;

009.01C Certificates of completion are not given to all individuals who have satisfactorily completed the approved course in accordance with the standards furnished for certification;

009.01D Records are not maintained of the certificates issued;

009.01E Improprieties have occurred in connection with the classification, application for certification, maintenance of records, teaching method, course content, or issuance of certificates for a particular course or program.

009.02 Where it is determined that improprieties have occurred in connection with a course which is no longer offered by a particular course sponsor, the director may suspend certification of existing approved courses offered by such sponsor for a period of time consistent with the severity of the impropriety.

009.03 The director may reinstate a suspended certificate provided the course sponsor furnishes satisfactory proof to the director that the conditions responsible for the suspension have been corrected.

010. Course sponsor records.

010.01 A course sponsor shall maintain records of certificates of completion issued of the most recent four years.

010.02 Such records must identify the following:

010.02A Prospective licensee's full name;

010.02B Prospective licensee's social security number or other student identification;

010.02C Course title;

010.02D Date of course;

010.02E Category of course;

010.02(F) Course identification number;

010.02(G) Number of credits earned.

011. Advisory committee. The director may create an advisory committee consisting of representatives from the insurance industry in Nebraska. Each organization desiring representation may submit the name of one member of its organization to the director for his or her approval. Participation as a member of the advisory committee shall be voluntary without compensation from the department. The purpose of the committee shall be to comment and review matters concerning prelicensing education matters submitted to the committee by the director. The committee shall convene upon the request of the director.

012. Qualifications of instructors. The director shall approve an individual as an instructor upon finding that he or she has submitted all information required by the director, possesses good character and reputation, and possesses the appropriate qualifications described in this subsection:

012.01 Life, accident and health:

012.01A Chartered Life Underwriter (CLU);

012.01B Chartered Financial Consultant (ChFC);

012.01C Fellow Life Management Institute (FLMI);

012.01D Life Underwriter Training Council Fellow (LUTCF);

012.01E Four years of experience as a training representative interpreting or explaining insurance policy contracts in the life, accident and health industry and a designation as:

012.01E1 Certified Employee Benefits Specialist (CEBS);

012.01E2 Life Underwriter Training Council Graduate (LUTC Graduate);

012.01E3 Fraternal Insurance Counselor (FIC);

012.01E4 Certified Financial Planner (CFP);

012.01E5 Holder of degree of Insurance (associate or bachelors);

012.01E6 Certified Insurance Counselor (CIC); or

012.01F Seven years of experience as a training representative interpreting or explaining insurance policy contracts in the life, accident and health industry.

012.02 Fire and casualty:

012.02A Chartered Property and Casualty Underwriter (CPCU);

012.02B Four years of experience as a full-time employee or representative interpreting or explaining insurance policy contracts in the fire and casualty industry and a designation as:

012.02B1 Associate in Underwriting (AU);

012.02B2 Program in General Insurance (INS);

012.02B3 Accredited Advisor in Insurance (AAI);

012.02B4 Associate in Claims (AIC);

012.02B5 Associate in Risk Management (ARM);

012.02B6 Certified Insurance Counselor (CIC);

012.02B7 Associate in Premium Auditing (APA);

012.02B8 Associate in Insurance Accounting and Finance (AIAF);

012.02B9 Holder of degree in Insurance (associate or bachelors);
or

012.02(C) Seven years of experience as a training representative interpreting or explaining insurance policy contracts in the fire and casualty industry.

012.03 The director may approve as a qualified instructor a person who has a combination of training, experience and qualifications that are substantially equivalent to those listed in subsections 012.01 and 012.02.

012.04 No person shall qualify as an approved instructor who:

012.04A Has been convicted of a felony;

012.04B Has had is or her insurance producer's license suspended or revoked in Nebraska or any other state;

012.04C At the time a person seeks approval as an instructor, has outstanding any fines imposed by the Director of Insurance for insurance-related disciplinary offenses.

012.05 The director shall approve an instructor for each course such instructor seeks to teach.

012.06 A person who instructs or proctors for an approved course shall be responsible for verifying to the course sponsor that he or she has been approved by the director as an instructor.

013. Withdrawal of approval of an instructor.

013.01 The director shall withdraw the approval of an instructor upon finding that the instructor has:

013.01A Failed to meet the criteria for approval provided by these regulations;

013.01B Failed to comply with the director's regulations regarding prelicensing courses or schools;

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013.01C Had his or her employment terminated by a course sponsor whose course has been approved by the director, on the grounds of incompetence or failure to comply with the course sponsor's policies and procedures;

013.01D Provided false information to the director on any form or application;

013.01E At any time had an insurance license denied, suspended or revoked by this or any other insurance department, or has ever been required to return a license while under

investigation;

013.01F Obtained or used, or attempted to obtain or use, in any manner or form, examination questions;

013.01G Failed to employ acceptable instructional principles and methods.

013.02 When an instructor's approval is discontinued, the procedure for reinstatement shall be to apply as a new instructor, with a statement of reasons that he or she is now eligible for reconsideration. The director may require an investigation before new approval is granted.

014. Classroom facilities. School facilities must be in compliance with all applicable local, state and federal laws and regulations regarding safety, sanitation and access by persons with disabilities.

015. Services provided. Upon request, course sponsors shall provide reasonable accommodations to persons with disabilities pursuant to the Americans With Disabilities Act.

016. Severability. If any section or portion of this regulation, or the applicability thereof to any person or circumstance, is held invalid by a court, the remainder of this regulation, or the applicability of such provision to other persons, shall not be affected thereby.